

In Convention
Assembly Chamber, State Capitol

Sacramento
Monday Oct. 28th 1878

Convention met pursuant
to adjournment

President Hogg in the Chair

Roll called and the
following Members
were present—

Roll-Call of Delegates to the Constitutional Convention, 1878.

NAMES.	Ayes -	Noes -	NAMES.	Ayes -	Noes -	NAMES.	Ayes -	Noes -	NAMES.	Ayes -	Noes -
ANDREWS	1		FAWCETT	4		LAVIGNE	4		SHOEMAKER	6	
AYERS	2		FILCHER	1		LEWIS	5		SHURTLEFF	7	
BARBOUR	2		FINNEY	5		LINDOW	6		SMITH	8	
BARNES			FREEMAN			MANSFIELD	7		SMITH	9	
BARRY	4		FREUD	6		MARTIN	8		SMITH		
BARTON	5		GARVEY	7		MARTIN			SMITH		
BEERSTECHER	1		GLASSCOCK	8		MARTIN			SMITH		
BELCHER	6		GORMAN	9		MARTIN			SMITH		
BELL	7		GRACE	42		MARTIN			SMITH		
BERRY			GRAVES	1		MARTIN			SMITH		
BIGGS	8		GREGG	2		MARTIN			SOULE	100	
BLACKMER	9		HAGER			McCALLUM	9		STEDMAN	1	
BOGGS	10		HALE	1		McCOMAS	70		STEELE	2	
BOUCHER	1		HALL	3		McCONNELL	1		STEVENSON	3	
BROWN	2		HARRISON	4		McCOY	2		STRONG		
BURT	3		HARVEY	5		McFARLAND	3		STUART	4	
CAMPBELL	4		HEISKELL	6		McNUTT	4		SWEASEY	5	
CAPLES	5		HEROLD	7		MILLER			SWENSON	5	
CASSERLY			HERRINGTON	8		MILLS	5		SWING	6	
CHAPMAN	6		HILBORN	9		MOFFAT	6		TERRY	7	
CHARLES	7		HITCHCOCK	57		MORELAND	7		THOMPSON	8	
CONDON	8		HOLMES			MORSE	8		TINNIN	9	
COWDEN	9		HOWARD	1		MURPHY	9		TOWNSEND	110	
CROSS	10		HUESTIS			NASON	80		TULLY		
CROUCH	1		HUGHEY	2		NELSON	1		TURNER	1	
DAVIS	2		HUNTER	3		NEUNABER	2		TUTTLE	2	
DEAN	3		INMAN	127		NOEL			VACQUEREL	3	
DOWLING	4		JOHNSON			O'DONNELL	3		VAN DYKE	4	
DOYLE	5		JONES	4		OHLEYER			VAN VOORHIES	4	
DUDLEY	6		JOYCE	5		O'SULLIVAN	4		WALKER		
DUDLEY	7		KELLY	6		OVERTON	5		WALKER	5	
DUNLAP	8		KENNY	7		PORTER	6		WALKER	6	
EAGON			KEYS	8		PROUTY	7		WATERS	6	
EDGERTON	9		KLEINE	9		PULLIAM	8		WEBSTER		
ESTEY	30		LAINE	60		REDDY	9		WELLER	7	
ESTEE	1		LAMPSON	1		REED	90		WELLIN	8	
EVEY	2		LARKIN	2		REYNOLDS			WEST	9	
FARRELL	3		LARUE	3		RHODES	1		WICKES	120	
						RINGGOLD	2		WHITE	1	
						ROLFE	3		WILSON	2	
						SHELL	4		WILSON	3	
						SCHOMP	5		WILSON	4	
						SHAFTER			WINANS	5	
									WYATT	5	
									Mr. PRESIDENT	126	

AYES
NOES

3)

Messrs Ahlger, Noel, and Smith of San Francisco were granted one days leave of absence. and Mrs. Gully three days.

Journal of Saturday read and amended on motion of Mrs. Larkin by striking out the resolution offered by Mrs. Gully and as thus amended ~~was~~^{was} approved.

Mrs. Steadman moved to ~~relinquish~~ ^{relinquish} the following resolution adopted on Saturday.

Resolved that the services of one door keeper and two pages, be dispensed with, and that the Sergeant-at-arms designate the persons to be discharged

The motion prevailed and the resolution was amended

4)
Mrs. Kelly presented a protest
signed by 1800 persons against
inserting any provision in (the)
(Constitution) regard to the Sabbath in the
Constitution.

Laid on Table

The President presented the
following communication
from the Secretary of State
D. CAUGLIOTTE

5 to 15 inclusive

REPORT
OF THE
SECRETARY OF STATE
TO THE
CONSTITUTIONAL CONVENTION.

REPORT.

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }
SACRAMENTO, October 26th, 1878. }

To the President and Members of the Constitutional Convention:

GENTLEMEN: In response to the resolutions passed by the Convention on the eighteenth and twenty-second instant, calling upon me for information in respect to the corporations formed under the laws of this State, I have the honor to reply as follows:

I am not aware of any law requiring corporations going out of existence to furnish to the office of the Secretary of State any statement evidencing that fact, and there is no official data in my office that would furnish information on that point, therefore "the number of corporations *now existing* in the State of California," as required by the first subdivision of the resolution, cannot be ascertained.

As the possibility of answering the second and third subdivisions of the resolution rests upon the possibility of answering the first, it follows that neither the capital stock nor the places of business of corporations now existing can be stated.

Assuming that the resolution requires only the number, etc., of articles of incorporation *on file* in this office, I shall give that information to the best of my ability.

The number of articles of incorporation on file is nineteen thousand four hundred and seventy-five, and their classification is as follows:

CLASSIFICATION OF CORPORATIONS.

Newspaper Companies.
Artesian Well Companies.
Race Track Companies.
Aerial Navigation Companies.
Homestead Associations.
Railroad Associations.
State and County Fair Associations.
District Fair Associations.
Ice Companies.
Oil Companies.
Acids.
Quicksilver Companies.
Fruit Companies.
Wood Companies.
Hotel Companies.
Insurance Companies.
Wine Companies.
Ship Building Companies.
Arts.
Sewing Machine Companies.

Iron Companies.
Flume Companies.
Building Companies.
Peat Companies.
Toll Roads.
Lead.
Assaying.
Steam.
Commercial.
Land.
Bathing.
Coal.
Park Associations.
Cigar.
Horticultural.
Robe.
Reclamation.
Glove.
Reduction Works.
Cloth.

Real Estate Bureaus.
Wool.
Fertilizing.
Watch.
Fire Companies.
Jewelry.
Gas.
Medical.
Stage Companies.
Stone.
Transportation.
Wharves.
Irrigating.
Liquor.
Chemical.
Linen.
Warehouses.
Soda Water.
Iron.
Theater.
Brick Companies.
Paving.
Tobacco.
Packing.
Raisins.
Furniture.
Powder.
Water.
Labor Exchanges.
Sugar.
Marble.
Boat Clubs.
Sulphur.
River.
Cemeteries.
Ditches.
Express Companies.
Cement.
Schools.
Coöperative Companies.
Lime.
Mills.
Street Railroads.

Danger Signal Companies.
Glass-works Companies.
Granger Associations.
Hall Associations.
Sportsman's Clubs.
Jockey Clubs.
Vineyard Associations.
Fire-arms Companies.
Leveeing Associations.
Ferry Companies.
Oyster Companies.
Canning Companies.
Wood Companies.
Ship Building.
Banks.
Churches.
Mining.
Carriage and Wagon Companies.
Mills.
Laundries.
Botanic Garden Companies.
Electric Power Companies.
Wire-works.
Bridge Building.
Steamboat Building Companies.
Poultry and Game Dealers' Companies.
Hack and Cab Associations.
Dredging Companies.
Musical Associations.
Live Stock Associations.
Telegraphic Companies.
Brewing Companies.
Tunnel Companies.
Canal Companies.
Lumber Companies.
Printing Companies.
Publishing Companies.
Cemetery Companies.
Colleges.
Societies.
Agricultural Associations.
Mechanical.

The resolution, in its second and third subdivisions, calls for a statement of the "aggregate amount of the capital stock of all said corporations, and the aggregate amount of said capital stock of each class thereof," and a "detailed statement of the principal places of business and location of the principal offices of all said corporations."

I most respectfully submit to your honorable body that a compliance with so much of the resolution as is above quoted is impossible with the clerical force at my disposal. The aggregate of the certificates of incorporation on file in the office of the Secretary of State number nineteen thousand four hundred and seventy-five. These certificates are recorded in forty-three large volumes, without regard to their classification. All of my predecessors adopted this practice, and it has been followed by me.

I am also requested to give a "detailed statement of the amount of capital stock actually paid up by all said corporations."

Prior to the adoption of the Codes, the only corporations organizing under the laws of this State which were required to make any statement in respect to the amount of their capital stock actually paid up, and to furnish evidence thereof to the Secretary of State, were the following, to wit, railroad companies and steam navigation companies. Plank and turnpike road companies and bridge

companies were required to file a showing of this character with County Clerks, and to furnish the Secretary of State with a certificate that they had complied with the law.

The long list of other companies having the right to incorporate, and whose certificates of incorporation occupy the great bulk of the books appropriated to their record in my office, were not required to furnish the Secretary of State with any evidence in respect to the payment of any portion of the capital stock. The Codes require "the articles of incorporation of any railroad; wagon road, or telegraph association" to state "that at least ten per cent. of the capital stock subscribed has been paid in to the Treasurer of the intended corporation." All others seem to be exempt from the requirement.

Neither the books of the office nor the indexes to the contents thereof have been so kept as to enable any one to segregate the certificates of such incorporated companies as have been required by law to exhibit the amount of capital stock paid in from certificates not required to make such showing; hence it must be manifest to the Convention that a vast amount of clerical labor would be required to comply with its request in this particular, as each and every certificate would have to undergo a critical examination.

The Statutes of the State define my duties with unmistakable particularity, and the Legislature, in making appropriations to meet the current expenses of my office, has dealt with me with rigid exactness. There is no Urgent Necessity Fund at my disposal to meet extraordinary calls upon my clerical force. If I were to detail a sufficient force to perform the duties required by the resolution, other duties, imposed by the Statutes, would necessarily be left unperformed.

I assume that the information sought by the Convention is important, in the interest of the people of the State, to enable the Convention to act understandingly upon some contemplated provision of the fundamental law. In this aspect, and being most desirous to facilitate, by any means in my power, the purposes of the Convention, I most respectfully request the appointment of a select committee to confer with me in respect to the best mode that can be adopted to lay before the Convention the information which it seeks.

I have the honor to remain your obedient servant,

THOMAS BECK,
Secretary of State.

On motion of Mr. Hale the
Communication was ordered printed.

Proposed amendments ~~were~~
~~submitted and referred as~~
~~follows:~~

By Mrs. Estlin No 423

Relative to Foreigners
Who cannot become citizens

Referred to the Committee on
Chinese

Resolution

By Mr. Caples

Whereas, various
amendments and propositions
have been presented to this
Convention, looking to
changes and modifications
of the jury system,
Therefore, Resolved

17
That the Judiciary Committee
be instructed to enquire and
report at its earliest conven-
ence -

First - does the provisions of
the Constitution of the United
States relating to trial by
jury, apply to State Courts
and the administration
of State laws.

Referred to the Committee
on Judiciary and Judicial
Department.

Further propositions

By Mrs. Harrington No 424

Relative to the enactment
of Laws.

Also No 425-

Restricting power of
Municipal Corporations for
contracting debts and creating
liabilities

Both referred to the
Committee on Legislation
Department

By Mrs. Graves. No 426

Relating to Judges.

Referred to the Com-
mittee on Judiciary and
Judicial Department

By Mr. Fawcett. No 427

Assessment of Lands
Referred to the Committee
on Revenue & Taxation

19
By Mr. Dowling No 428

For the encouragement of Irrigation

Referred to the Committee on
Whites and Negroes Rights

By Mr. ~~Vaquero~~ Vaquerel No 429

Relating to arbitrators

Referred to the Committee
on City, County, and Township organiza-
tions

By Mr. Barton. No 430

~~Amended~~ Relating to Homesteads

Referred to the Committee on
Land & Homestead Exemption

By Mr. Hilborn. No 431

Changing the Fiscal Year.

To the Committee
on Legislative Department

20

By Mr. Steadman, No 432

Relating to Marriage

Referred to the
Committee on Legislative Department.

By Mrs. O'Donnell, No 433

Relating to Teachers.

Referred to Committee
on Chinese

Mr. Edgerton offered the
following ~~Resolution~~ ^{Resolution}

Resolved - that all that part of
rule 17 after the 3rd subdivision
be temporarily suspended until
the 4th day of November next

Mrs. Minnin moved to exempt
the 9th subdivision.
lost

21 In the original resolution the
ages & votes were demanded by
the requisite number, and the
resolution was rejected by
the following vote

IN FAVOR 3. 0

Roll-Call of Delegates to the Constitutional Convention, 1878.

NAMES.	Ayes.	Noes.	NAMES.	Ayes.	Noes.	NAMES.	Ayes.	Noes.	NAMES.	Ayes.	Noes.
ANDREWS		1	FAWCETT		26	LAVIGNE		57	SHOEMAKER		74
AYERS	1		FILCHER		27	LEWIS	17		SHURTLEFF	23	
BARBOUR		2	FINNEY		28	LINDOW		52	SMITH		75
BARNES			FREEMAN			MANSFIELD		53	SMITH	24	
BARRY		3	FREUD		29	MARTIN	18		SMITH		
BARTON		4	GARVEY		30	MARTIN		2	SMITH		
BEERSTECHER		5	GLASSCOCK		31	McCALLUM		54	SOULE		76
BELCHER		6	GORMAN		32	McCOMAS		55	STEDMAN		77
BELL		7	GRACE		33	McCONNELL		56	STEELE		78
BERRY			GRAVES	9		McCOY		59	STEVENSON	25	
BIGGS	2		GREGG	10		McFARLAND		2	STRONG		
BLACKMER	3		HAGER			McNUTT		58	STUART	26	
BOGGS		8	HALE	11		MILLER			SWEASEY		
BOUCHER		9	HALL	12		MILLS		59	SWENSON		79
BROWN		10	HARRISON		34	MOFFAT		2	SWING		80
BURT		11	HARVEY		35	MORELAND		60	TERRY	27	
CAMPBELL			HEISKELL		36	MORSE		61	THOMPSON	28	
CAPLES		12	HEROLD		37	MURPHY		62	TINNIN		81
CASSERLY			HERRINGTON		38	NASON		63	TOWNSEND		82
CHAPMAN	4		HILBORN		39	NELSON		64	TULLY		
CHARLES	5		HITCHCOCK	13		NEUNABER		65	TURNER		83
CONDON		13	HOLMES			NOEL			TUTTLE		84
COWDEN	6		HOWARD		40	O'DONNELL		66	VACQUEREL		85
CROSS		14	HUESTIS			OHLEYER			VAN DYKE		
CROUCH	7		HUGHEY		41	O'SULLIVAN		67	VAN VOORHIES	29	
DAVIS		15	HUNTER		42	OVERTON		68	WALKER		
DEAN		16	INMAN	14		PORTER	19		WALKER		86
DOWLING		17	JOHNSON			PROUTY		69	WALKER		87
DOYLE		18	JONES	15		PULLIAM	20		WATERS		
DUDLEY		19	JOYCE		43	REDDY		70	WEBSTER		
DUDLEY		20	KELLY	16		REED			WELLER		88
DUNLAP		21	KENNY		44	REYNOLDS			WELLIN		89
EAGON	8		KEYS		45	RHODES		71	WEST		90
EDGERTON		8	KLEINE		46	RINGGOLD		72	WICKES		91
ESTEY		22	LAINÉ		47	ROLFE	21	73	WHITE		92
ESTEE		23	LAMPSON		48	SCHELL			WILSON		93
EVEY		24	LARKIN		49	SCHOMP	22		WILSON	30	
FARRELL		25	LARUE		50	SHAFTER			WINANS	31	
									WYATT		94
									Mr. PRESIDENT	32	

AYES

NOES

32
94

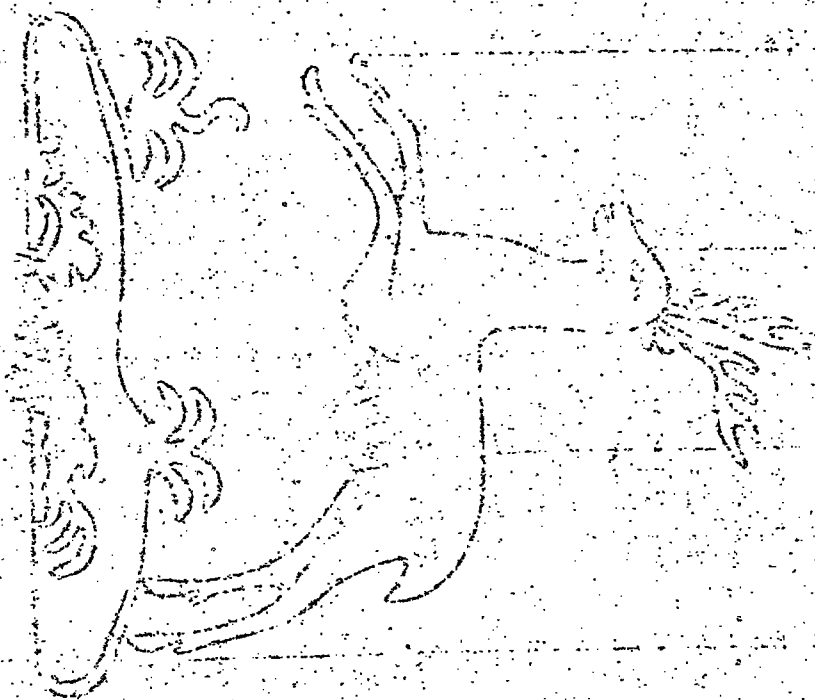
Mr. Felchus. proposed to amend
Rule 64 to read as follows:

No leave of absence shall
be granted until the reasons
therefor shall have been fully
stated, and approved by an
affirmative vote of the Con-
vention

Laid over one day
at four o'clock and thirty
minutes P.M. Mrs. Gregg
moved to adjourn

Lost
on motion of Mrs. Beerstickus
at four o'clock and thirty mi-
nutes P.M. The convention
adjourned

10/28/78
(10/27 - Sunday)



OK
10/28

11/28/78